

## **Annex** – Summary and Response to Feedback Received from the Public Consultation on the Protection from Scams Bill

1. The Ministry of Home Affairs (MHA) conducted a public consultation on the Protection from Scams Bill from 30 August 2024 to 30 September 2024. MHA also organised focus group discussions with representatives from various age groups. At the close of the consultation, MHA had received over 50 responses.

2. Overall, most respondents (over 90%) were supportive of the proposal to protect targets of ongoing scams who do not believe that they are being scammed. Some respondents shared personal stories of family and friends falling prey to scams, and expressed hope that the new powers would enable the authorities to better protect the public from scams.

3. MHA has taken this feedback into account when finalising the Bill. A summary of the key feedback received, and MHA's response, is set out below.

### **A. Issuance of a Restriction Order (RO)**

4. Some respondents were of the view that an individual should bear the responsibility of his/her own actions, instead of having the Government intervene in such personal decisions. Some were also concerned that the new powers could be overly intrusive and might be abused.

5. MHA acknowledges these concerns. The RO is meant to be a temporary measure, to provide some time for the Police or other persons to implement necessary measures to convince the individual that the individual is being scammed. The RO will only be issued as a last resort, when all other options to persuade the victim have been exhausted.<sup>1</sup> To ensure that the new power is appropriately used, MHA will legislate several safeguards, such as when a RO can be issued, a limit on the duration of a RO, as well as an appeal mechanism.

6. Some respondents said the consent of the affected individual and his/her family members should be obtained before a RO is issued.

7. The Police will take into consideration the relevant facts provided by the individual or his family members, when assessing if a RO should be issued. The Police are in the best position to make an objective and informed assessment of whether a RO is appropriate given the facts and circumstances of the case.

### **B. Scope of the RO**

8. Respondents generally agreed with the proposed scope of the RO. Some suggested to expand the scope of the RO beyond bank accounts, to also include cryptocurrency exchanges and remittance companies.

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<sup>1</sup> For example, if a victim remains unconvinced that he/she is being scammed even after the Police have worked closely with family members and community partners to persuade the victim.

9. MHA recognises the risks that such entities can also serve as intermediaries of the scam chain. However, as a start, MHA will focus on imposing restrictions on bank accounts and credit facilities, given that these would address the majority of scam reports and significantly reduce the risk of money transfers to scammers. We will consider expanding the scope of the RO to other entities in the future, if necessary.

### **C. Minimise inconveniences caused to affected individuals**

10. To minimise inconvenience, many respondents suggested allowing affected individuals to continue accessing the following facilities while a RO is in force:

- a. ATM and/or over-the-counter (OTC) withdrawals; and
- b. GIRO payments, including bill payments to legitimate organisations.

11. MHA shares the desire to minimise inconvenience for the affected individual to make legitimate expenses. However, we are mindful that the scammer may exploit any channel through which the individual can gain access to money. We will therefore take a risk-calibrated approach, by allowing an individual who is the subject of a RO to apply to the Police for access to a fixed amount of money.<sup>2</sup> If the individual requires additional amounts of money, the individual can apply to the Police by showing proof of the need to access these amounts (e.g., bills that are due for payment).

12. In addition, we understand from the banks that it is not feasible to exempt selected transactions from the RO (e.g., GIRO payments, bill payments to legitimate organisations, ATM and OTC withdrawals), without significant system changes. We will continue to work with banks to consider allowing for these exemptions in the future.

### **D. Customise the amount of money that individuals will be allowed access to, based on their spending habits**

13. Some respondents suggested customising the amounts that individuals will be allowed access to, based on their spending habits (e.g., average monthly expenditure).

14. MHA recognises that individuals may have different spending habits. However, customisation would require an analysis of everyone's spending habits, and would be operationally onerous. In addition, the amount of money that is "sufficient" for each individual is highly subjective and difficult to ascertain.

15. Instead, we will allow individuals access to a fixed amount of money, and to request for additional amounts if necessary (see para 11). We assess that this approach would be sufficient, since the RO will only be applied temporarily.

### **Conclusion**

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<sup>2</sup> This amount will be the same across all individuals subject to an RO.

16. MHA would like to thank all respondents for the feedback.

17. The fight against scam requires a whole-of-society approach. While the Government will continue to step up our efforts, everyone must play their part to keep scammers at bay. We urge members of public to look out for and protect your loved ones too, by encouraging them to add the necessary security features (e.g., ScamShield app), check with official sources when unsure (e.g., ScamShield helpline), and tell the authorities about scam encounters, so we can enhance our collective resilience against scams.